

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7382 of 2021

Arising Out of PS. Case No.-21 Year-2020 Thana- MAHILA P.S. District- Rohtas

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Arun Kumar Choudhary, Son of Ram Narayan Choudhary, Resident of
Village - Noniyadih, Police Station - Baghaila, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-06-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Mahila
P.S. Case No.21 of 2020 registered for the offence punishable
under Section 376/120B of the Indian Penal Code.

It is alleged by the informant that she was having
intimate relation with the petitioner for the last three years and
has also become pregnant, based on her relationship with the



petitioner. Petitioner has continuously indulged in sexual intercourse with the informant and has now refused to solemnize marriage.

Petitioner's counsel submits that the informant is admittedly a major. From perusal of the F.I.R. itself, it is apparent that the petitioner and the informant are consenting adults. The informant therefore is not in a position to complain and the grievance raised today is based on extraneous considerations. On such allegation, the petitioner is in custody since 28.05.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class Sri Sachin Kumar Mishra, Rohtas at Sasaram, in connection with Mahila P.S. Case No.21 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who



will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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